

# SENATE AMENDMENTS

## 2<sup>nd</sup> Printing

By: Rodriguez of Bexar

H.B. No. 2772

A BILL TO BE ENTITLED

1 AN ACT

2 relating to an interim study regarding the method by which district  
3 judges and appellate justices and judges are selected.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. INTERIM COMMITTEE; STUDY. (a) The joint  
6 interim committee on judicial selection is established to study and  
7 review the method by which district judges and appellate justices  
8 and judges are selected for office in this state.

9 (b) The study must consider:

10 (1) the fairness, effectiveness, and desirability of  
11 selecting district judges and appellate justices and judges through  
12 partisan elections;

13 (2) the fairness, effectiveness, and desirability of  
14 judicial selection methods proposed or adopted by other states; and

15 (3) the relative merits of alternative methods for  
16 selecting district judges and appellate justices and judges,  
17 including:

18 (A) lifetime appointment;

19 (B) appointment for a term;

20 (C) appointment for a term, followed by a  
21 partisan election;

22 (D) appointment for a term, followed by a  
23 nonpartisan election;

24 (E) appointment for a term, followed by a

1 nonpartisan retention election;

2 (F) partisan election for an open seat, followed  
3 by a nonpartisan retention election for incumbents; and

4 (G) any other method or combination of methods  
5 for selecting district judges and appellate judges and justices.

6 (c) The joint interim committee shall be composed of six  
7 senators and six members of the house of representatives as  
8 follows:

9 (1) the chair of the senate jurisprudence committee,  
10 the chair of the senate criminal justice committee, and four  
11 senators appointed by the lieutenant governor; and

12 (2) the chair of the judiciary and civil jurisprudence  
13 committee of the house of representatives, the chair of the  
14 criminal jurisprudence committee of the house of representatives,  
15 and four members of the house of representatives appointed by the  
16 speaker of the house of representatives.

17 (d) When making appointments under Subsection (c) of this  
18 section, the lieutenant governor shall ensure that three senators  
19 from the majority party of the senate are appointed to the committee  
20 and three senators from the minority party of the senate are  
21 appointed to the committee. When making appointments under  
22 Subsection (c) of this section, the speaker of the house of  
23 representatives shall ensure that three members from the majority  
24 party of the house of representatives are appointed to the  
25 committee and three members from the minority party of the house of  
26 representatives are appointed to the committee.

27 (e) The lieutenant governor and speaker of the house of

1 representatives shall each designate a co-chair from among the  
2 committee members.

3 (f) The joint interim committee shall convene at the joint  
4 call of the co-chairs.

5 (g) The joint interim committee has all other powers and  
6 duties provided to a special or select committee by the rules of the  
7 senate and house of representatives, by Subchapter B, Chapter 301,  
8 Government Code, and by policies of the senate and house committees  
9 on administration.

10 (h) Not later than January 6, 2015, the joint interim  
11 committee shall report the committee's findings and  
12 recommendations to the lieutenant governor, the speaker of the  
13 house of representatives, and the governor. The committee shall  
14 include in its recommendations specific constitutional and  
15 statutory changes that appear necessary from the results of the  
16 committee's study.

17 (i) From the contingent expense fund of the senate and the  
18 contingent expense fund of the house of representatives equally,  
19 the members of the joint interim committee shall be reimbursed for  
20 expenses incurred in carrying out the provisions of this Act in  
21 accordance with the senate and house of representatives rules of  
22 procedure and the policies of the committees on administration.  
23 Other necessary expenses of operation shall be paid from the  
24 contingent expense fund of the senate and the contingent expense  
25 fund of the house of representatives equally.

26 (j) The Texas Legislative Council shall provide legal and  
27 policy research, bill drafting, and statistical analysis services

1 to the committee created under this section.

2 SECTION 2. ABOLITION OF COMMITTEE. The committee is  
3 abolished and this Act expires January 12, 2015.

4 SECTION 3. EFFECTIVE DATE. This Act takes effect  
5 immediately if it receives a vote of two-thirds of all the members  
6 elected to each house, as provided by Section 39, Article III, Texas  
7 Constitution. If this Act does not receive the vote necessary for  
8 immediate effect, this Act takes effect September 1, 2013.

ADOPTED

MAY 17 2013

*Atty. Gen. Paul*  
Secretary of the Senate

By: Robert Owen

H.B. No. 2772

Substitute the following for H.B. No. 2772:

By: [Signature]

C.S. \_\_\_ .B. No. \_\_\_\_\_

A BILL TO BE ENTITLED

AN ACT

relating to an interim study regarding the method by which certain judicial officers are selected.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. INTERIM COMMITTEE; STUDY. (a) The joint interim committee on judicial selection is established to study and review the method by which the following judicial officers are selected in this state:

(1) statutory county court judges, including statutory probate court judges;

(2) district judges; and

(3) appellate justices and judges.

(b) The study must consider:

(1) the fairness, effectiveness, and desirability of selecting a judicial officer described in Subsection (a) of this section through partisan elections;

(2) the fairness, effectiveness, and desirability of judicial selection methods proposed or adopted by other states; and

(3) the relative merits of alternative methods for selecting a judicial officer described in Subsection (a) of this section, including:

(A) lifetime appointment;

- (B) appointment for a term;
- (C) appointment for a term, followed by a partisan election;
- (D) appointment for a term, followed by a nonpartisan election;
- (E) appointment for a term, followed by a nonpartisan retention election;
- (F) partisan election for an open seat, followed by a nonpartisan retention election for incumbents; and
- (G) any other method or combination of methods for selecting a judicial officer described by Subsection (a) of this section.

(c) The joint interim committee shall be composed of six senators and six members of the house of representatives as follows:

(1) the chair of the senate jurisprudence committee, the chair of the senate criminal justice committee, and four senators appointed by the lieutenant governor; and

(2) the chair of the judiciary and civil jurisprudence committee of the house of representatives, the chair of the criminal jurisprudence committee of the house of representatives, and four members of the house of representatives appointed by the speaker of the house of representatives.

(d) When making appointments under Subsection (c) of this section, the lieutenant governor shall ensure that three senators

from the majority party of the senate are appointed to the committee and three senators from the minority party of the senate are appointed to the committee. When making appointments under Subsection (c) of this section, the speaker of the house of representatives shall ensure that three members from the majority party of the house of representatives are appointed to the committee and three members from the minority party of the house of representatives are appointed to the committee.

(e) The lieutenant governor and speaker of the house of representatives shall each designate a co-chair from among the committee members.

(f) The joint interim committee shall convene at the joint call of the co-chairs.

(g) The joint interim committee has all other powers and duties provided to a special or select committee by the rules of the senate and house of representatives, by Subchapter B, Chapter 301, Government Code, and by policies of the senate and house committees on administration.

(h) Not later than January 6, 2015, the joint interim committee shall report the committee's findings and recommendations to the lieutenant governor, the speaker of the house of representatives, and the governor. The committee shall include in its recommendations specific constitutional and statutory changes that appear necessary from the results of the committee's study.

(i) From the contingent expense fund of the senate and the

contingent expense fund of the house of representatives equally, the members of the joint interim committee shall be reimbursed for expenses incurred in carrying out the provisions of this Act in accordance with the senate and house of representatives rules of procedure and the policies of the committees on administration. Other necessary expenses of operation shall be paid from the contingent expense fund of the senate and the contingent expense fund of the house of representatives equally.

(j) The Texas Legislative Council shall provide legal and policy research, bill drafting, and statistical analysis services to the committee created under this section.

SECTION 2. ABOLITION OF COMMITTEE. The committee is abolished and this Act expires January 12, 2015.

SECTION 3. EFFECTIVE DATE. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2013.

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION**

**May 18, 2013**

**TO:** Honorable Joe Straus, Speaker of the House, House of Representatives

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE: HB2772** by Rodriguez, Justin (Relating to an interim study regarding the method by which certain judicial officers are selected.), **As Passed 2nd House**

**No significant fiscal implication to the State is anticipated.**

The bill would establish a joint interim committee to study and report on state judicial selection methods. The bill specifies that the committee consists of six senators and six representatives, and charges the Texas Legislative Council with providing support to the committee, including research, drafting, and analysis. The bill specifies that senate and house contingent expense funds shall reimburse committee member expenses. The bill requires that the committee report their findings no later than January 6, 2015, and specifies that the committee is abolished January 12, 2015.

It is not anticipated that the bill will result in any significant fiscal impact to the court system. It is expected that the Texas Legislative Council could absorb any additional workload resulting from the bill within existing resources and that the bill will not result in a significant fiscal impact. It is not anticipated that the bill will result in a significant fiscal impact to either the Senate or the House.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 103 Legislative Council, 212 Office of Court Administration, Texas  
Judicial Council

**LBB Staff:** UP, SD, AG, AM, CL, MW

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION**

**May 14, 2013**

**TO:** Honorable Robert Duncan, Chair, Senate Committee on State Affairs

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE: HB2772** by Rodriguez, Justin (Relating to an interim study regarding the method by which certain judicial officers are selected.), **Committee Report 2nd House, Substituted**

**No significant fiscal implication to the State is anticipated.**

The bill would establish a joint interim committee to study and report on state judicial selection methods. The bill specifies that the committee consists of six senators and six representatives, and charges the Texas Legislative Council with providing support to the committee, including research, drafting, and analysis. The bill specifies that senate and house contingent expense funds shall reimburse committee member expenses. The bill requires that the committee report their findings no later than January 6, 2015, and specifies that the committee is abolished January 12, 2015.

It is not anticipated that the bill will result in any significant fiscal impact to the court system. It is expected that the Texas Legislative Council could absorb any additional workload resulting from the bill within existing resources and that the bill will not result in a significant fiscal impact. It is not anticipated that the bill will result in a significant fiscal impact to either the Senate or the House.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 103 Legislative Council, 212 Office of Court Administration, Texas  
Judicial Council

**LBB Staff:** UP, AG, AM, CL, MW

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION**

**May 10, 2013**

**TO:** Honorable Robert Duncan, Chair, Senate Committee on State Affairs

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE: HB2772** by Rodriguez, Justin (Relating to an interim study regarding the method by which district judges and appellate justices and judges are selected.), **As Engrossed**

**No significant fiscal implication to the State is anticipated.**

The bill would establish a joint interim committee to study and report on state judicial selection methods. The bill specifies that the committee consists of six senators and six representatives, and charges the Texas Legislative Council with providing support to the committee, including research, drafting, and analysis. The bill specifies that senate and house contingent expense funds shall reimburse committee member expenses. The bill requires that the committee report their findings no later than January 6, 2015, and specifies that the committee is abolished January 12, 2015.

It is not anticipated that the bill will result in any significant fiscal impact to the court system. It is expected that the Texas Legislative Council could absorb any additional workload resulting from the bill within existing resources and that the bill will not result in a significant fiscal impact. It is not anticipated that the bill will result in a significant fiscal impact to either the senate or the house.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 103 Legislative Council, 212 Office of Court Administration, Texas  
Judicial Council

**LBB Staff:** UP, AG, AM, CL, MW

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION**

**April 24, 2013**

**TO:** Honorable Tryon D. Lewis, Chair, House Committee on Judiciary & Civil Jurisprudence

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE: HB2772** by Rodriguez, Justin (Relating to an interim study regarding the method by which district judges and appellate justices and judges are selected.), **Committee Report 1st House, Substituted**

**No significant fiscal implication to the State is anticipated.**

The bill would establish a joint interim committee to study and report on state judicial selection methods. The bill specifies that the committee consists of six senators and six representatives, and charges the Texas Legislative Council with providing support to the committee, including research, drafting, and analysis. The bill specifies that senate and house contingent expense funds shall reimburse committee member expenses. The bill requires that the committee report their findings no later than January 6, 2015, and specifies that the committee is abolished January 12, 2015.

It is not anticipated that the bill will result in any significant fiscal impact to the court system. It is expected that the Texas Legislative Council could absorb any additional workload resulting from the bill within existing resources and that the bill will not result in a significant fiscal impact. It is not anticipated that the bill will result in a significant fiscal impact to either the senate or the house.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 103 Legislative Council, 212 Office of Court Administration, Texas  
Judicial Council

**LBB Staff:** UP, AM, CL, MW

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION**

**April 14, 2013**

**TO:** Honorable Tryon D. Lewis, Chair, House Committee on Judiciary & Civil Jurisprudence

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE: HB2772** by Rodriguez, Justin (Relating to an interim study regarding the method by which district judges and appellate justices and judges are selected.), **As Introduced**

**No significant fiscal implication to the State is anticipated.**

The bill would establish a joint interim committee to study and report on state judicial selection methods. The bill specifies that the committee consists of five senators and five representatives, and charges the Texas Legislative Council with providing support to the committee, including research, drafting, and analysis. The bill specifies that senate and house contingent expense funds shall reimburse committee member expenses. The bill requires that the committee report their findings no later than January 6, 2015, and specifies that the committee is abolished January 12, 2015.

The Office of Court Administration does not anticipate any significant fiscal impact to the court system resulting from the bill. The Texas Legislative Council does report that any additional workload resulting from the bill could be absorbed within existing resources and does not anticipate any significant fiscal impact. It is not anticipated that the bill will result in a significant fiscal impact to either the senate or the house.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 103 Legislative Council, 212 Office of Court Administration, Texas  
Judicial Council

**LBB Staff:** UP, CL, MW, AM